

Appl. No.10/773,788

Attorney Docket No.: 113394 CON

REMARKS**Claim Amendments**

The Office action mailed 06/14/2007 indicated that dependent claims 4, 14 and 21 were directed to allowable subject matter. Responsive to that indication, applicant amended the respective parent claims 1, 12 and 20 in applicant's RESPONSE of 08/09/2007 to incorporate therein the limitations of their respective dependent claims 4, 14 and 21, which were then canceled.

The Office action mailed 10/17/2007 rejected all claims. It is believed, however, that applicant's claims as originally presented in this application distinguish over all the art of record, as discussed below. Accordingly, applicant has now amended the independent claims 1, 12, 20 to remove the limitations of claims 4, 14 and 20 that had been incorporated into the independent claims in applicant's RESPONSE of 08/09/2007.

In addition, new claims 27-29 have been added. These claims are identical to canceled claims 4, 14 and 21, respectively.

FINAL Rejection Based on New Prior Art Would be Premature

The current set of claims is identical to the claims as originally filed. Thus if the claims are to be rejected based on newly cited prior art in any further Office action, such a rejection would not have been necessitated by applicant's amendments to the claims. Accordingly, it is respectfully submitted that any Office action based on newly cited prior art cannot be properly made FINAL.

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Applicant's Claims and the Prior Art

The Office actions of 06/14/2007 and 10/17/2007 both assert that the subject matter of independent claims 1, 12 and 20 as originally filed—namely, claim 1, lines 1-9; claims 12, lines 1-11; and claim 20, lines 1-17—would have been obvious to the person of ordinary skill in the art.

Applicant respectfully disagrees.

The Office action states that the person of ordinary skill would have been motivated to modify Galasso from a hierarchical arrangement to a non-hierarchical arrangement as called for in applicant's claims in order to "provides [sic] a network of gatekeepers that can be scale [sic] without the need of a centralized management point."

That may be an advantage of a non-hierarchical arrangement. However, the Office action's assertion does not establish that applicant's claims non-hierarchical arrangement would be obvious. Obviousness must be established based on the teachings of the prior art. By contrast, what the Office action has done has taken applicant's teachings and then backed into an obviousness argument by hindsight.

In particular, for the person of ordinary skill to appreciate what the advantages of a non-hierarchical arrangement would be, s/he would first have to be in possession of (i.e., would know of or think of) the non-hierarchical arrangement based on considerations or teachings in the prior art. Obviousness cannot be established simply by observing some advantage of applicant's structure once one has been shown it by the applicant.

But that is just what the Office action purports to do. The so-called motivation set forth in the Office action is, again, not a statement of what the person skilled in the art would have realized based on a study of Galasso's disclosure. It is, rather, only an observation of a characteristic of the non-hierarchical structure based on a study of applicant's disclosure. That is, of course, improper.

In view of the foregoing, it is submitted that each of applicant's independent claims 1, 12 and 20 distinguishes the invention from Galasso or any obvious

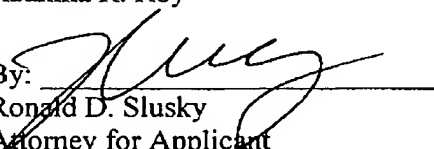
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modification of Galasso. Thus each of applicant's dependent claims necessarily also distinguishes the invention from Galasso. And thus the Office action's various further grounds of rejection directed to the subject matter of the dependent claims need not be addressed by applicant at this time.

Reconsideration is requested.

Respectfully,
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